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OPINION-EDITORIAL

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Wanted: Campaign finance reform that's constitutional

by Rep. George Nethercutt

This week the House voted on the controversial Shays-Meehan Campaign Finance Reform bill, H.R. 2356. It passed by a vote of 240-189. I have long believed that substantial campaign finance reform is necessary, but I could not in good faith vote for a bill that abridges First Amendment rights, provides extraordinary power to the media without recourse, will be difficult to enforce according to the Federal Election Commission's Chairman, and threatens the existence of political parties.

Issues that should have been addressed to reform the system but were not include: 1) complete disclosure of campaign contributions to the FEC and having all information about the donation displayed on-line within 24 hours; 2) eliminating forced contributions to candidates by labor unions and corporations without the consent of the worker or investor; and 3) imposing limits on, or regulating "soft money."

Several items in the bill will likely be declared unconstitutional. One item is the total ban on soft money at the federal level. In *Buckley v. Valeo* (1976), the Supreme Court affirmed that giving money to and spending money on political campaigns is a core First Amendment activity. Supporters of Shays-Meehan attempted to frame soft money in the worst possible light. While the bill violates the right to free speech at the federal level, it ironically provided that soft money donations of up to \$60 million per election cycle could be contributed to state and local political parties.

A second item is the section of the bill that severely restricts the ability to run issue advertisements 60 days before a general election and 30 days before a primary election that refer to a federal candidate.

While citizens are muzzled during the most crucial time in an election, the media will remain free to speak. Why should corporations that happen to own a network, such as General Electric (NBC) or Time Warner (CNN) have unlimited rights to free speech while other companies and citizens do not? Why should reporters and editorialists have the ability to provide their thoughts to millions, while other citizen organizations are severely restricted from expressing their thoughts?

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Media domination could result in strengthened ties between candidates and wealthy individuals, many of them outside the candidate's district. Under the bill, candidates would have to aggressively solicit hard money donations from these people to counter negative press. Hard money, which has been increased by reformers in the bill, has a greater potential to result in closer ties between a candidate and a particular "interest" since this money is donated directly.

American citizens hunger to participate in the political process. Though this bill dramatically alters the way political money is solicited and spent, it will not take money out of politics. Money is a form of support and political speech. Money corrupts those with weak constitutions, but ideology dictates action far more (See Wall Street Journal Article at www.house.gov/nethercutt/cfr.pdf). Taking gifts for favors is already illegal. I vote my conscience, regardless of who may choose to contribute to my campaign.

The Senate must still agree to the differences between the two bills. If the bill is signed by President Bush and becomes law, I anticipate a number of immediate legal challenges.

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